



**Wichita-Sedgwick County Metropolitan Area Planning Department**

11/29/2007

Newman University Inc. c/o Mark Dresselhaus  
3100 McCormick  
Wichita, KS 67213

George Lay Signs c/o Mary Wilson  
1016 N Waco  
Wichita, KS 67203

**RE: BZA2007-64     Variance request of the sign code for: 5-ft increase in sign height; increase sign area from 32 sq. ft to 146 sq. ft. and permit color electronic message board instead of white light on property zoned "U" University. Generally located south of Kellogg and west of Sheridan**

Dear Ladies and Gentlemen:

Enclosed is a signed copy of the above-referenced BZA Resolution adopted by the Board of Zoning Appeals on November 27, 2007. This resolution reflects the official action of the Board. It is forwarded to you for your information and files.

If you have any questions concerning this matter, please call our office at 268-4421.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jess McNeely'.

Jess McNeely, AICP  
BZA Secretary  
Current Plans Division

JM/ya

Cc     Sharon Dickgrafe, Law Dept, 1-132  
         Herb Shaner, OCI, 1-72  
         Paul Gray, WCC District IV, 1-13  
         Jan Lister, OCI, 1-72  
         Kurt Schroeder, OCI, 1-72

## **BZA RESOLUTION NO. 2007-64**

**WHEREAS**, Newman University c/o Mark Dresselhaus (owner/applicant) and George Lay Signs c/o Mary Wilson (agent); pursuant to Section 2.12.590.B, Code of the City of Wichita, requests the following variances:

1. Variance to Section 24.04.192 of the Sign Code to increase the maximum size of a sign from 32 square feet to 146 square feet.
2. Variance to Section 24.04.192 of the Sign Code to increase the maximum height of a sign from 25 feet to 30 feet.
3. Variance to Section 24.04.192 of the Sign Code to permit a color electronic message board instead of white light.

Generally located south of Kellogg and west of Sheridan.

Lot 1, Block 1, Newman University 2nd Addition, Sedgwick County, Kansas.

**WHEREAS**, proper notice as required by ordinance and by the rules of the Board of Zoning Appeals has been given; and

**WHEREAS**, the Board of Zoning Appeals did, at the meeting of November 27, 2007, consider said application; and

**WHEREAS**, the Board of Zoning Appeals has proper jurisdiction to consider said request for a variance under the provisions of Section 2.12.590.B, Code of the City of Wichita; and

**WHEREAS**, the Board of Zoning Appeals has found that the variance arises from such conditions that are unique, as the proposed signage is along a heavily traveled freeway, where typical commercial zoning would permit a much larger sign than that requested. The sign code limitations within the "U" University District do not consider sites with freeway frontage. A site this large, at this location with proximity to freeways, could house numerous businesses under commercial zoning, and each business would be allowed separate signage within square footage limits.

**WHEREAS**, the Board of Zoning Appeals has found that granting the requested variance would not adversely affect the rights of adjacent property owners. All adjacent property is on the Newman Campus. The nearest off-campus residences are over 300 feet from the proposed sign, across Kellogg.

**WHEREAS**, the Board of Zoning Appeals has found that the strict application of the zoning regulations would constitute an unnecessary hardship upon the applicant, as a 25-foot tall, 32 square foot sign limited to white light may not be sufficiently visible to high speed, heavy traffic on Kellogg. University identification and communication to drivers on Kellogg is critical to the University's community function.

**WHEREAS**, the Board of Zoning Appeals has found that the requested variance would not adversely affect the public interest at this location, as adequate university identification and communication would serve in the community interest. The requested signage size, height, and color are appropriately relative to the campus size and Kellogg frontage.

**WHEREAS**, the Board of Zoning Appeals has found that granting the requested variance would not be opposed to the general spirit and intent of the Sign Code, as the signage will better identify and communicate for the

university. The "U" University zoning district restrictions of sign size to 32 square feet, 25 feet in height, and white light are intended for neighborhood settings, and do not consider freeway frontage and visibility.

**WHEREAS**, each of the five conditions required by Section 2.12.590.B, Code of the City of Wichita, are found to be present for a variance to be granted.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Zoning Appeals, pursuant to Section 2.12.590.B, Code of the City of Wichita, considering the following variances:

1. Variance to Section 24.04.192 of the Sign Code to increase the maximum size of a sign from 32 square feet to 146 square feet.
2. Variance to Section 24.04.192 of the Sign Code to increase the maximum height of a sign from 25 feet to 30 feet.
4. Variance to Section 24.04.192 of the Sign Code to permit a color electronic message board instead of white light.

Generally located south of Kellogg and west of Sheridan.

Lot 1, Block 1, Newman University 2nd Addition, Sedgwick County, Kansas.

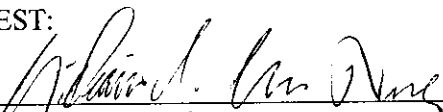
**The variances are hereby GRANTED, subject to the following conditions:**

1. The site shall be developed in substantial conformance with the approved site plan and elevation drawings.
2. The applicant shall obtain all permits necessary to construct the signage and the signage shall be erected within one year of the issuance of the sign permit, unless such time period is extended by the BZA
3. The sign shall conform with all other requirements of the sign code, and shall not include moving, or flashing, or animated images or text.
4. The above conditions are subject to enforcement by any legal means available to the City of Wichita

**ADOPTED AT WICHITA, KANSAS, this 27th Day of November 2007.**

  
BZA Board Chair, C. Bickley Foster

ATTEST:

  
Jess McNeely, BZA Secretary

**SECRETARY'S REPORT**

CASE NUMBER: BZA2007-64

OWNER/APPLICANT: Newman University c/o Mark Dresselhaus (owner)

AGENT: George Lay Signs c/o Mary Wilson

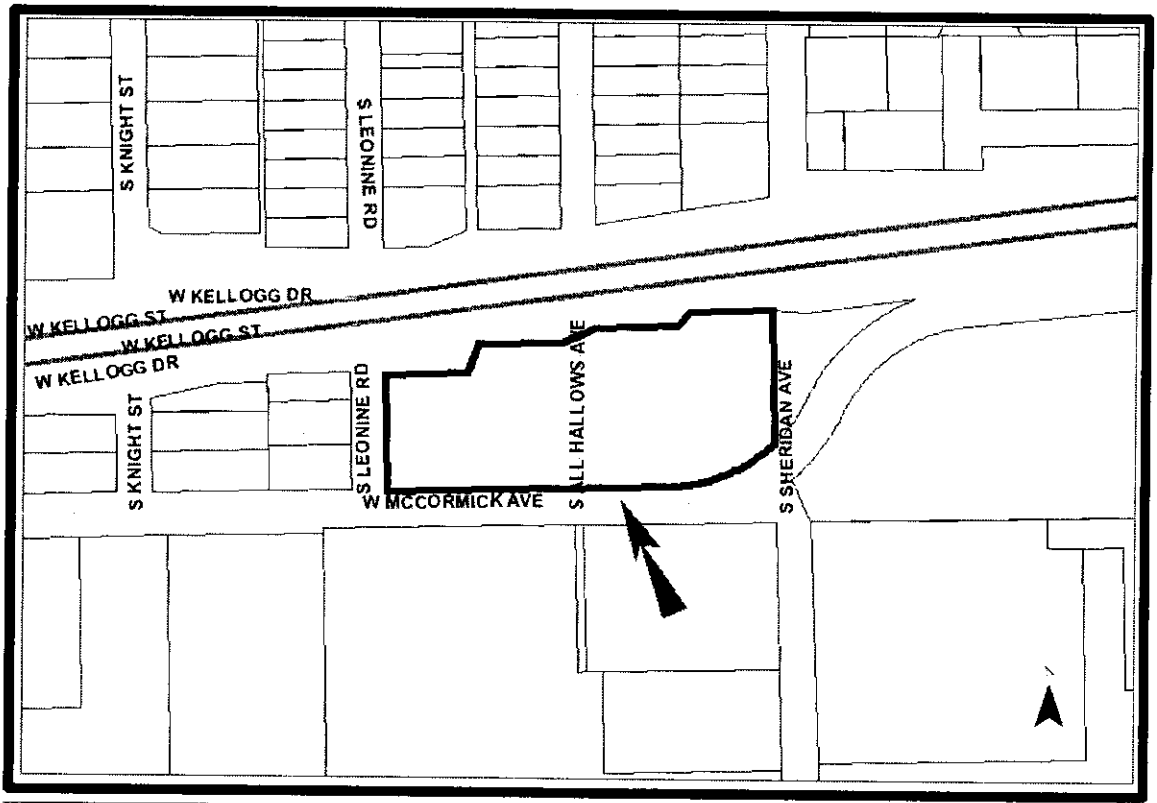
REQUEST:

1. Variance to Section 24.04.192 of the Sign Code to increase the maximum size of a sign from 32 square feet to 146 square feet.
2. Variance to Section 24.04.192 of the Sign Code to increase the maximum height of a sign from 25 feet to 30 feet.
3. Variance to Section 24.04.192 of the Sign Code to permit a color electronic message board instead of white light.

CURRENT ZONING: "U" University

SITE SIZE: 2 acres

LOCATION: South of Kellogg and west of Sheridan Avenue on the Newman University Campus



**JURISDICTION:** The Board has jurisdiction to consider the variance request under the provisions outlined in Section 2.12.590.B, Code of the City of Wichita. The Board may grant the request when all five conditions, as required by State Statutes, are found to exist.

**BACKGROUND:** The applicant requests three variances for a proposed electronic message board sign on the Newman University Campus, south of Kellogg and west of Sheridan. The Sign Code limits signs in the "U" University District to 32 square feet in area, to 25 feet in height, and illuminated with white light only, with no flashing or moving images. Therefore, the applicant requests this variance for a sign with 146 square feet in area, 30 feet in height, and illuminated with colored light. The proposed electronic message board sign is visible from the Kellogg/US 54 limited access freeway. See the applicant's attached site plan, elevation drawings, and letter.

Newman University rezoned this site from residential and office zoning to the "U" zoning district in late 2006. The purpose of that rezoning was to accommodate university residential development on the site, which has now been built. Newman received two previous variances for building signage southeast of the current application area. Variance BZA2000-34 permitted an increase in building sign size from 48 square feet to 132.5 square feet, and permitted increased height from 20 feet to 30 feet for a building sign on the O'Shaughnessy Sports Complex, also facing Kellogg. Variance BZA2007-22 increased the size of two signs from 25 and 48 square feet to 175 square feet and increased the height for the same two signs from 20 to 35 feet on the new Dugan Library and Campus Center southeast of the current application area. Friends University, northeast of this site along Kellogg, also recently received a variance to increase the height of an electronic message board sign in "U" zoning.

North of the application area is Kellogg/US 54, where the applicant wishes the sign to be viewed from. Kellogg is not elevated directly adjacent to the proposed sign. Southeast of this site is the sports complex with signage visible from Kellogg; further southeast is the remaining Newman Campus. Southwest of the site are Newman residences, with a university logo sign on one residence building also visible from Kellogg. The proposed sign would not directly face any off-campus residences. Although, residential properties exist to the northwest, over 300 feet from the site across Kellogg; these residences may have visibility of the proposed signage from across Kellogg.

Recent sign code amendments regulate electronic message board brightness, and require brightness adjustment capability. Within the application area's "U" zoning district, electronic message board signs are limited to white light, and may not have flashing or moving images.

#### **ADJACENT ZONING AND LAND USE:**

|       |                  |                   |
|-------|------------------|-------------------|
| NORTH | no zoning        | Kellogg/US 54     |
| SOUTH | "SF-5", "B", "U" | University campus |
| EAST  | "B"              | University campus |
| WEST  | "U"              | University campus |

*The five criteria necessary for approval as they apply to variances requested.*

**UNIQUENESS:** It is staff's opinion that this property is unique, as the proposed signage is along a heavily traveled freeway, where typical commercial zoning would permit a much larger sign than that requested. The sign code limitations within the "U" University District do not consider sites with freeway frontage. A site this large, at this location with proximity to freeways, could house numerous businesses under commercial zoning, and each business would be allowed separate signage within square footage limits.

**ADJACENT PROPERTY:** It is staff's opinion that granting the requested variance for increased sign area, height, and allowing colored light will not adversely affect the rights of adjacent property owners. All adjacent

property is on the Newman Campus. The nearest off-campus residences are over 300 feet from the proposed sign, across Kellogg.

**HARDSHIP:** It is staff's opinion that the strict application of the provisions of the sign code would constitute an unnecessary hardship upon the applicant, as a 25-foot tall, 32 square foot sign limited to white light may not be sufficiently visible to high speed, heavy traffic on Kellogg. University identification and communication to drivers on Kellogg is critical to the University's community function.

**PUBLIC INTEREST:** It is staff's opinion that the requested variance for increased sign size, height, and allowing colored light would not adversely affect the public interest, as adequate university identification and communication would serve in the community interest. The requested signage size, height, and color are appropriately relative to the campus size and Kellogg frontage.

**SPIRIT AND INTENT:** It is staff's opinion that granting the requested variance for increased sign size, height, and color would not oppose the general spirit and intent of the Sign Code, as the signage will better identify and communicate for the university. The "U" University zoning district restrictions of sign size to 32 square feet, 25 feet in height, and white light are intended for neighborhood settings, and do not consider freeway frontage and visibility.

**RECOMMENDATION:** It is staff's opinion that the requested sign size, height, and color would be appropriate for identification of a university campus along a freeway. Should the Board determine that conditions necessary to the granting of the variances exist, then the Secretary recommends that the variance to permit a 32 square foot sign, at 30 feet in height, with colored light, be GRANTED, subject to the following conditions:

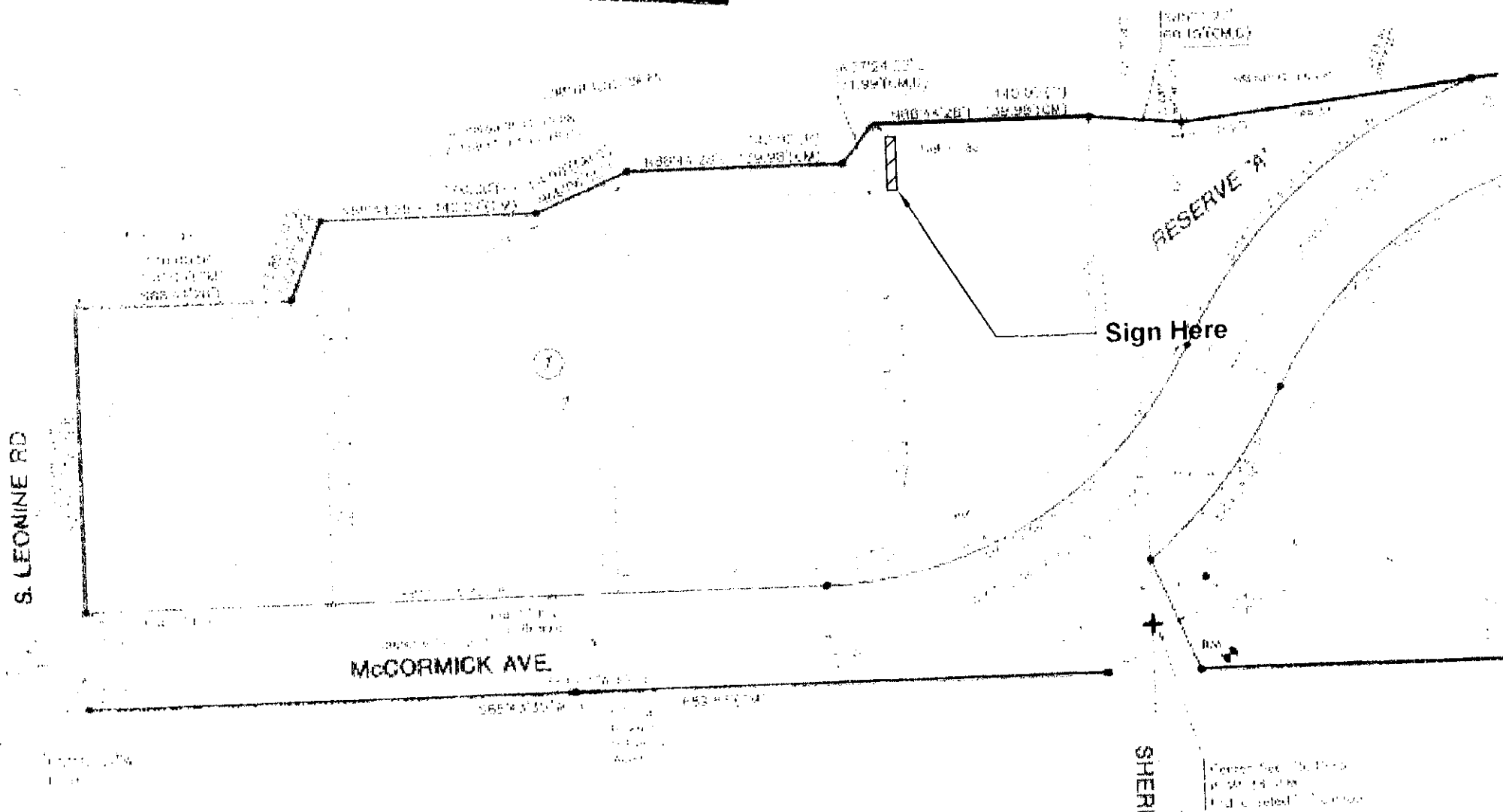
1. The site shall be developed in substantial conformance with the approved site plan and elevation drawings.
2. The applicant shall obtain all permits necessary to construct the signage and the signage shall be erected within one year of the issuance of the sign permit, unless such time period is extended by the BZA.
3. The sign shall conform with all other requirements of the sign code, and shall not include moving, or flashing, or animated images or text.
4. The above conditions are subject to enforcement by any legal means available to the City of Wichita.

# SITE PLAN

*A. P. L. L. L.*

Date: Nov 27 2007

2A 2007-64



12'-0"

2'-6"

# NEWMAN

## UNIVERSITY

3'-0"



7'-10"

# NU

30'-0"

18'-8"

**APPROVED**  
ELEVATION

*M. Wilson*  
Date: 11-27-07

# George Lay Signs Inc.

1016 NORTH WACO • WICHITA KS. 67203-3999  
(316) 262-0433 • (800) 888-0433 • FAX (316) 262-3306  
laysigns@laysigns.com

CUSTOMER NAME:  
NEWMAN UNIVERSITY

SCALE:  
1/4" = 1'

LOCATION:  
3100 MCCORMICK AVE

SALESPERSON:  
MARY WILSON

DATE:  
OCT 07

W.O. #  
P 0000

FILE NAME: VRSN:  
NEWMAN A  
POLE SIGN

PAGES:  
1 OF 5

SKETCH #  
S 5796

### SPECIFICATIONS:

NEW INTERNALLY ILLUMINATED POLE SIGN - TOP CABINET IS ROUTED ALUMINUM WITH 1/2" ACRYLIC PUSH-THROUGH ROUTED COPY COVERED WITH FIRST SURFACE TRANS VINYL TO MATCH SCHOOL COLORS. MESSAGE CENTER IS 112 X 176 20mm MATRIX GALAXY PRO RGB UNIT. 6" TALL REVEAL BETWEEN MESSAGE CENTER AND ID FACES. ROUTED POLE COVER IS 15' 7" TALL, PAINTED WHITE WITH PAINTED RED AND BLUE ACCENTS.

APPROVED BY:

BZA 2007-64